

## MEMORANDUM

**Date:** March 8, 2007  
**To:** Greg Armendariz, City Engineer/Public Works Director  
**From:** Pam Lowe, Associate Civil Engineer (Utility Eng.)  
**SUBJECT:** Phil Dahm Request to Connect to City Water System

---



## BACKGROUND

Phil and Ruth (Haynes) Dahm live at 2404 Uridias Ranch Road (APN 092-42-001), a residence located outside the City of Milpitas and outside the City-established Urban Growth Boundary. Their well produces an insufficient supply of only 12 gallons per hour, far below the Santa Clara County requirement of 2-1/2 gallons per minute (150 gallons per hour) for all new well construction. In addition, sampling results indicate that the well water contains a high level of salt and total dissolved solids (TDS) along with the presence of total coliform, thus it is considered nonpotable and a public health concern. Mr. Dahm has therefore requested connecting into the City's water system. See Attachment 1.

## DISCUSSION

Several actions are required to implement a connection to the City of Milpitas water system which include:

- 1) Satisfaction of the City's Urban Growth Boundary Ordinance requirements,
  - 2) Approval from the Local Agency Formation Commission (LAFCO).
- 1) **Urban Growth Boundary Ordinance.** At the November 3, 1998 General Election, the electorate enacted Ordinance No. 38-742 ("the Urban Growth Boundary Ordinance"), which established an Urban Growth Boundary outside of which City services is restricted. Since Mr. Dahm's residence is located outside the Urban Growth Boundary, city water service is subject to ordinance requirements. Under the ordinance, the following four criteria must be met before Council may approve a connection to the City's water system for Mr. Dahm:
- An urgent public health or safety concern exists.
  - An independent certified professional engineer determines that City supply is the only economically justifiable solution to the health and safety concern.
  - The legal parcel had a vested right to develop prior to November 3, 1998.
  - The Applicant pays for the cost of service.

These four criteria have been addressed as follows:

- The Santa Clara County Department of Environmental Health has determined that Mr. Dahm's well produces inadequate water supply and that the well water quality is considered a public health concern.. The well produces an insufficient supply of only 12 gallons per hour, far below the Santa Clara County requirement of 2-1/2 gallons per minute (150 gallons per hour) for all new well construction. Also, based on the well's water quality sampling report, the water indicates a high level of salt and total dissolved solids (TDS) along with the presence of total coliform, thus it is considered nonpotable and a public health concern. See Attachment 2.

- An independent licensed professional engineer (Nadim Raffoul of Alvarez & Associates) has reviewed the water supply situation and found that connection to the City's water system the City is the only economically justifiable solution to the current water supply problem. See Attachment 3.
  - Santa Clara County issued building permits #91915 and 10183 prior to November 3, 1998. See Attachment 4.
  - A City of Milpitas and Phil Dahm draft agreement is included in the Council packet specifying that the applicant will pay for all costs involved in connecting into the City's water system.
- 2) **LAFCO Approval.** LAFCO must approve Milpitas municipal service to any site beyond City boundaries. Since Mr. Dahm's property is located outside the City boundary, LAFCO approval for water service is required. In addition, LAFCO may administratively approve water service due to urgent health and safety concerns in lieu of a formal hearing before the entire commission. LAFCO requires the following documentation for an administrative consideration:
- Demonstration that a health and safety concern exists,
  - City Council resolution requesting LAFCO approval, and
  - Water supply agreement terms between the City and Mr. Dahm.

## RECOMMENDATION

Staff has reviewed Mr. Dahm's request for water supply, and has concluded that Milpitas municipal water supply is adequately able to serve his property. Staff also has determined that the four Urban Growth Boundary ordinance criteria have been satisfied as discussed above, and therefore recommends that Council adopt a resolution approving Mr. Dahm's connection to the City's water supply and request an administrative approval by LAFCO for the water supply, and approve a water supply agreement with Phil Dahm.

---

## ATTACHMENTS:

- 1) A letter from Phil Dahm requesting connection to the City's water system due to a health and safety concern.
- 2) A letter from the Santa Clara County Department of Environmental Health stating that Mr. Dahm's well produces inadequate water supply and that the well water quality is considered a public health concern.
- 3) A letter from an independent licensed professional engineer (Nadim Raffoul of Alvarez & Associates) stating that connection to the City's water system the City is the only economically justifiable solution to the current water supply problem.
- 4) Copies of Santa Clara County building permits #91915 and 10183 issued prior to November 3, 1998.

cc: Kathleen Phalen, Utility Engineer  
Marilyn Nickel, Associate Civil Engineer

22 January 2007

Milpitas City Council  
City of Milpitas  
455 E. Calaveras Blvd  
Milpitas, CA 95035-5411

CC: Marilyn Nickel  
Tom Williams

Dear City Council,

My wife and I own a single family home located at 2404 Uridias Ranch Road, Milpitas, CA. (APN-092-42-001) The property is located outside of the Milpitas city limits. The property was reclassified as outside of the Milpitas Urban Service Area (USA) per the adoption of Measure Z, passed in 1998. Prior to Measure Z, the property was inside the Milpitas USA. My Wife and I are requesting Out of City water connection due to our current lack of sufficient water supply and water quality to support our family. The current water situation represents a serious Health and Safety risk that we would like to remedy as soon as possible.

In the past, we have had a well that has supplied water to our property. Over time this well has degraded in its ability to supply water in sufficient quantity to sustain our household. We currently have a very unstable well water supply and the water that we do receive is unhealthy for human consumption. Attached please find statements from our longtime well maintenance service provider, Bruce Barton Pump Service, that describes the current well capacity as inadequate to run a household. Additionally, we have recently had a complete testing of the water quality by AnaCon Testing Laboratories which indicates that the water is of very poor quality and is not recommended for human consumption. The Santa Clara County Department of Environmental Health has certified the Health and Safety risk of our current water supply in the attached document.

My wife, Ruth, and I request approval for access to the Milpitas water supply for our residence at 2404 Uridias Ranch Road. We make this request based on the documented health and safety risk with our current well water supply. Our intentions are to install a water pipeline from the Milpitas water main at the end of the Uridias Road cul-de-sac and run the pipeline approximately 1000 feet to our Residence at 2404 Uridias Ranch. We also intend to install a water storage tank per the recommendation of the County Fire Department for rural residence fire damage prevention. Please see the attached pipeline and water storage plan. We understand that we will be responsible for cost and maintenance for the proposed water supply line from the Milpitas water source to our residence.

We look forward to your approval of our request. Our current water situation is very urgent due the obvious healthy and safety risks.

Sincerely,

Phil and Ruth (Haynes) Dahm

2404 uridias ranch road, milpitas, ca - Google Maps

Page 1 of 1



Address **2404 Uridias Ranch Rd**  
**Milpitas, CA 95035**

EXISTING WATER PIPELINE



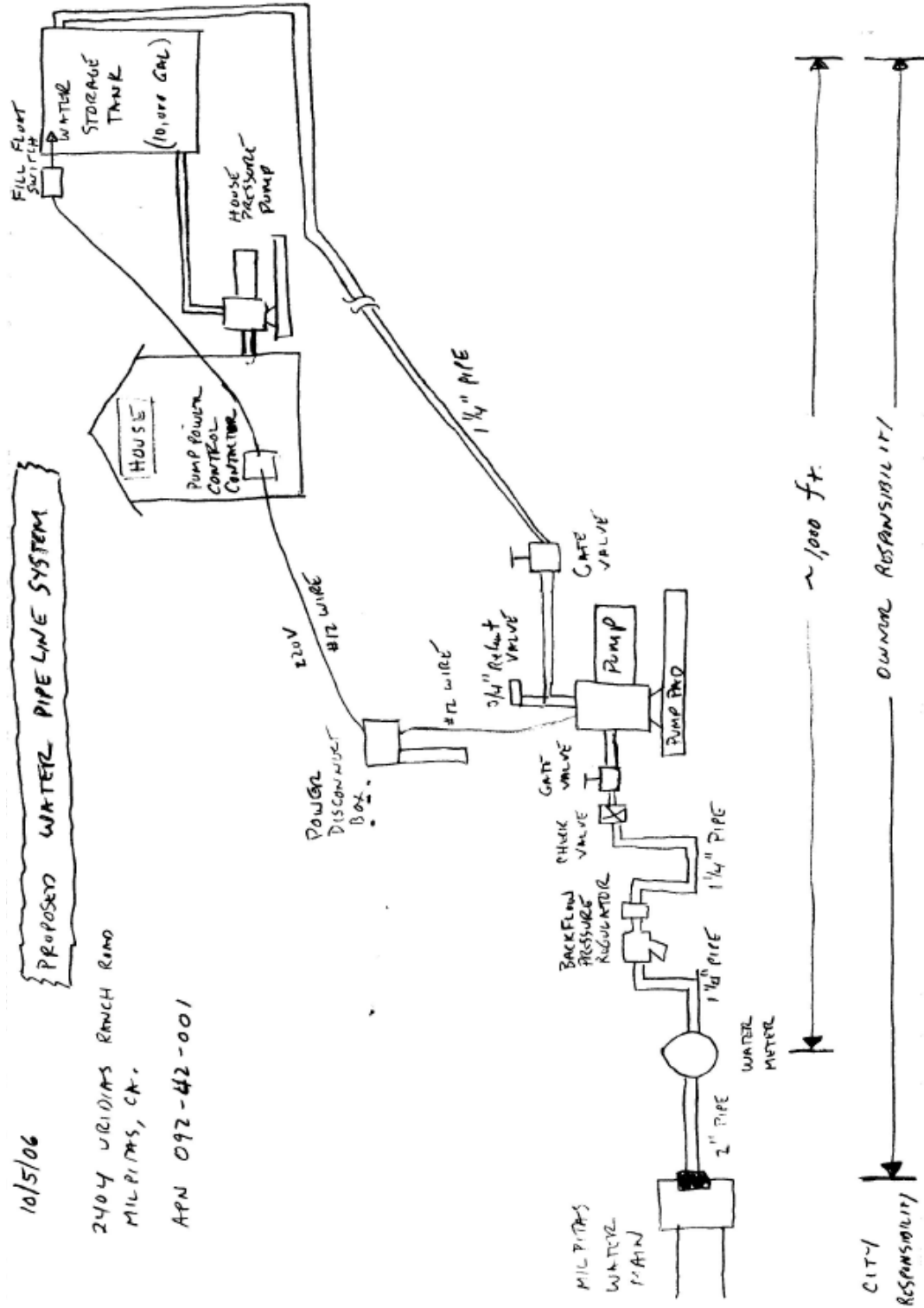
PROPOSED WATER PIPELINE

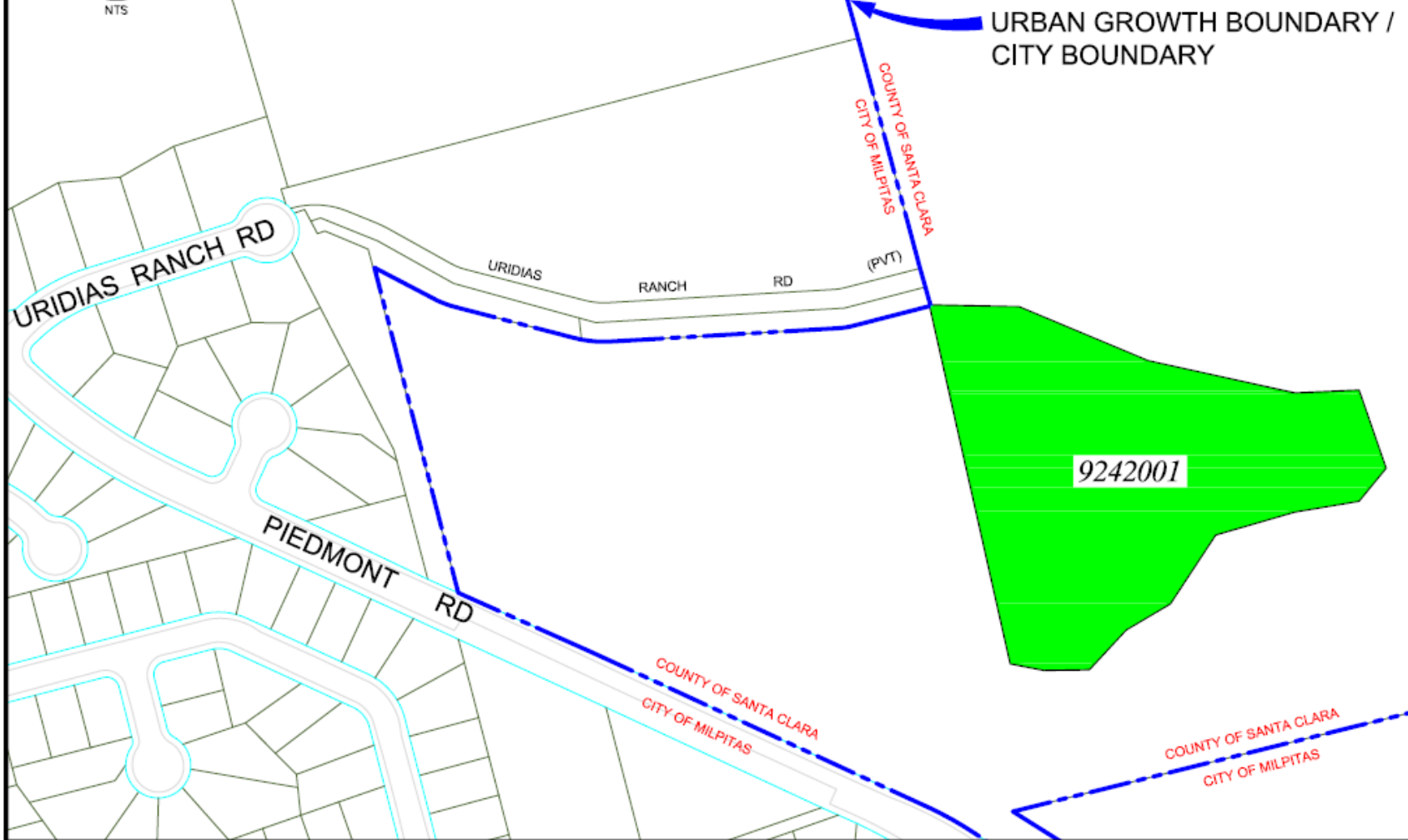
10/5/06

2404 VICIDIAS RANCH ROAD  
MILPITAS, CA.

APN 092-42-001

PROPOSED WATER PIPE LINE SYSTEM





# County of Santa Clara

## ATTACHMENT 2

Department of Environmental Health

1555 Berger Drive, Suite 300  
San Jose, California 95112-2716  
(408) 918-3400 FAX (408) 298-6261  
www.EHinfo.org



October 11, 2006

UTILITY ENGINEERING DEPARTMENT  
c/o MARILYN NICKLE (ASSOCIATE CIVIL ENGINEER)  
455 EAST CALAVERAS RD  
MILPITAS CA 95035

**RE: Phil Dahm residence located at 2404 Uridias Ranch Rd., Milpitas**

Due to insufficient and unreliable water sources the Spring Valley Height Subdivision located off Calaveras Rd., in Milpitas was recently given permission to hook up to city water. Historically this area has proven to be a poor source of water. The Dahm property is located in the nearby vicinity of this subdivision.

Currently the Dahm's are trucking in water to supplement their water supply as their well produces only 12 gallons per hour. This is not considered a sufficient amount of water to supply a normal household. The Santa Clara County Well Ordinance (section B11-119) requires a water quantity minimum of 2.5 gallons per minute in a 24-hr period for all new well construction.

The Department of Environmental Health (DEH) has had an opportunity to review Mr. Dahm's water quality report from the existing well. The water quality report indicates a high level of salt and total dissolved solids (TDS) in the water along with the presence of total coliform. This water is considered nonpotable and is considered a public health concern for anyone using this water system.

Based upon the general history of this area's water supply and Mr. Dahm's water quality and quantity reports, DEH is recommending that Mr. Dahm be allowed to hook up to the nearby public water system (City of Milpitas Water Company).

If there are any questions please feel free to contact me at (408) 918-3411.

Sincerely,

Suzanne Muzzio, R.E.H.S.  
Senior Environmental Health Specialist  
Consumer Protection Division

Cc: Phil Dahm

# BRUCE BARTON *Pump Service, Inc.*

Pumps and Water Systems for every purpose



940 SOUTH FIRST STREET • SAN JOSE, CALIFORNIA 9511

(408) 292-118.

July 18, 2006

Mrs Ruth Haynes (Dahm)  
Phil Dahm  
2404 Uridias Ranch Rd  
Milpitas, Ca 95035

Dear Madam:

On July 10<sup>th</sup> a serviceman from our company checked your well pump. The pump ran for approximately 20 seconds after a recovery period of 15 minutes. From this, we estimate the well is producing 12 gallons per hour. This is not adequate to run a household. To put in perspective, Santa Clara County requires a minimum of 2-1/2 gallons per minute (150 gallons per hour) for a building permit. The existing well is 5 inch PVC, approximately 370 feet deep. The submersible pump is approximately 10 feet off bottom. Therefore, dropping the pump will not help increase production. Also, you can only expect the well production to keep decreasing until we get significant rainfall.

If you have any further questions please contact me.

Sincerely,

Bob Ebert  
President





## **AnaCon Testing Laboratories, Inc.**

**1300 Space Park Way  
Telephone: (650) 335-1233**

**Mountain View, California 94043-1343  
Facsimile: (650) 335-1076**

July 25, 2006 / rm

Phil and Ruth Dahm  
21762 Lindy Lane  
Cupertino, California 95014

ATL No.: 1137.01  
Lab No.: 46617.1.6  
Cert. No.: 1535

Service:

**TESTS ON WATER FOR COLIFORM BACTERIA**

**Sample Identification:**

Water Sampled at  
2404 Uridias Ranch Road  
Milpitas, California 95035

Date Received: July 13, 2006; 2:26 p.m.  
Test Started: July 13, 2006; 3:30 p.m.  
Test Completed: July 14, 2006; 3:30 p.m.

**Test:**

A one hundred (100) ml. portion of the sample was tested using the Colilert MMO-MUG method.  
(Method 9223 B, Standard Methods for the Examination of Water and Wastewater, 18th Edition.)

**Conclusion:**

The sample was found to be total coliform-present (E-coli absent).

The bacteria level is NOT in compliance with the requirements of the EPA for drinking water.

Respectfully submitted,

**AnaCon Testing Laboratories, Inc.**

Richard Maynez  
Manager, Chemistry Laboratory



# Nachtmann Analytical Laboratory, Inc.

720 Olive Drive • Davis, CA 95616 • (530) 758-5850 • Fax (530) 758-5870  
Mailing Address: P.O. Box 1025 • Davis, CA 95617

## Analytical Laboratory Report

State Cert. # 1419

**Client :**

AnaCon Testing Laboratories, Inc.  
1300 Space Park Way  
Mt. View, CA. 84043

Attn : Richard Maynez  
07/24/06

Sample ID# : 0714-2404  
Sample Location : 2404 Uridias Ran  
Sample Matrix : Water  
Sampled By : Client  
Sampling Date : 07/14/06  
Sampled Received : 07/15/06  
Date Reporting : 07/24/06  
Page 1 of 2

Analytes	RL(mg/l)	MCL(mg/l)	Sample Result (mg/l)
<b>General Minerals</b>			
Bicarbonate Alkalinity	1.0	NR	435.
Carbonate Alkalinity	1.0	NR	ND
Hydroxide Alkalinity	1.0	NR	ND
Calcium (Ca)	0.20	NR	82.32
Chloride (Cl)	1.0	250.	652.8
Copper (Cu)	0.05	1.0	0.19
Foaming Agents (MBAS)	0.10	0.5	ND
Iron (Fe)	0.10	0.30	0.21
Magnesium (Mg)	0.05	NR	29.9
Manganese (Mn)	0.02	0.05	0.06
PH	1-14	NR	7.59(21.7°C)
Potassium (K)	0.10	NR	3.44
Sodium (Na)	0.20	NR	580.72
Specific Conductance (EC)	0.2 umhos/cm	900.umhos/cm	3,200.umhos/cm
Sulfate (SO4)	10.	250.	294.6
Total Dissolved Solids	1.0	500.	1,940.
Total Hardness	1.0	NR	331.1
Zinc (Zn)	0.05	5.0	0.42

Anacon Testing Labs.  
Mt. View, CA. 94043  
Reporting: 07/24/06

Sample ID# : 0714-2404  
Sampling Date : 07/14/06  
Page 2 of 2

Analytes		RL(mg/l)	MCL(mg/l)	Sample Result(mg/l)
<b>Inorganics</b>				
Aluminum	(Al)	0.05	1.0	ND
Antimony	(Sb)	0.006	0.006	ND
Arsenic	(As)	0.002	0.05	ND
Barium	(Ba)	0.100	1.0	ND
Beryllium	(Be)	0.001	0.004	ND
Boron	(B)	0.20	NR	3.83
Cadmium	(Cd)	0.001	0.005	ND
Chromium	(Cr)	0.01	0.05	ND
Cyanide	(CN)	0.10	0.20	ND
Fluoride	(F)	0.10	2.0	0.32
Lead	(Pb)	0.005	0.005	ND
Mercury	(Hg)	0.001	0.002	ND
Nickel	(Ni)	0.010	0.1	0.04
Nitrate	(NO3)	0.2	45.0	25.3
Selenium	(Se)	0.005	0.05	ND
Silver	(Ag)	0.01	0.1	ND
Thallium	(Tl)	0.001	0.002	ND

---

Reference : Std. Methods for examination for Water & Wastewater, 20<sup>th</sup> Ed.1998  
 RL : Reporting Limits.  
 MCL : Maximum Contamination Level permitted in drinking water by Federal & State Regulatory Agencies  
 NR : Not recorded, by State or Federal Regulatory Agencies.  
 ND : Not Detected below RL.  
 Lab. director : Ahmed Modabbber

Alvarez & Associates  
82 N. Capital Ave  
San Jose, CA

February 22, 2007

Marilyn Nickel  
City of Milpitas  
455 E. Calaveras Blvd  
Milpitas, CA 95035-5411

Subject: Assessment of Water Supply Problem for Phil and Ruth Dahm  
Site Address: 2404 Uridias Ranch Road, Milpitas  
Assessor Parcel: 092-42-001

Phil and Ruth Dahm contacted me regarding a severe water source problem that they are having at their residence on Uridias Ranch Road, Milpitas. Their current primary source of water is an existing well that produces water at only 12 gallons per hour. This is far below the Santa Clara County requirement of 2-1/2 gallons per minute (150 gallons per hour) for a building permit. They also currently must truck in additional water for drinking and for additional supply in times of well depletion. Due to the lack of sufficient and reliable water supply they have requested that I provide an assessment and recommendation for alternative water supplies.

I have performed an on-site assessment and followed up with an investigation of possible water sourcing options.

The options that are possible include:

1. Drill another well (\$40,000 to \$95,000.est)
2. Refurbish the existing well (Not Recommended)
3. Access to Milpitas City water services (\$22,000 est.)

**Drill another well:** This option could be done, however due to the hillside location, there are limited places for drilling. Furthermore, the expected water table is estimated as deep as 500 feet. Drilling for water at this depth is expensive and there is no guarantee of find water at any level. Investigation into other wells in the area found that Spring Valley Height Subdivision had a similar well water supply problem. Multiple drillings were unsuccessfully in supplying sufficient water and additional well drillings in that case proved unreliable in supplying a stable water source. Due to the uncertainty, cost, and reliability of well water in this area, this option is not recommended. Estimated cost for this option is \$40,000 to \$95,000 depending on success of drilling to underground water supply.

**Refurbish existing well:** Based on the assessment of Barton Pump service, the current submersible pump position in the existing well is approximately 10 feet off the bottom of the well. Therefore dropping the existing pump or drilling deeper will not increase the current well water supply. This option is not viable and therefore not recommended.

**Access to Milpitas Water Services:** The third option is access to the Milpitas City water services. This option will require the installation of a water supply pipeline approximately of 1000 feet from the Milpitas water source to the Dahm residence. A pump will also be required to pump the water uphill to the Dahm residence. Although there will be some expense in the installation of this water supply pipeline, the result will be a long term, reliable supply of high quality, drinkable water. Estimated cost for this option is \$22,000 which includes water pipeline, pump, backflow safety valve, and Milpitas connection fees.

Of the 3 options under consideration, I highly recommend Access to the Milpitas water supply as the most economical and reliable long term solution to their current water supply problem.

Sincerely,

Nadim Raffoul

Alvarez and Associates  
(408) – 348-7813

## Water Supply Options

Option	Description	Cost (est)	Advantages	Disadvantages	Comments
1	Milpitas Water Services	\$22,000.00  \$15,000 Water Line \$ 5,000 Pump & Valves \$ 1,900 City Connect Fee <hr/> Total = \$22,000.00	<ul style="list-style-type: none"> <li>Reliable, long term Drinkable Water Supply</li> <li>Guaranteed reserve water supply for rural fire safety</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Recommended Option</li> </ul>
2	Drill New Well	\$40,000.00  <u>Assume 1 drilling:</u> (\$26,000 Drilling + \$ 6,000 Pump + \$ 8,000 water treatment <hr/> Total = \$40,000.00  <u>Each additional drilling:</u> \$9,000. per 500 ft X 5 drilling = \$45,000.	<ul style="list-style-type: none"> <li>Independent water supply</li> </ul>	<ul style="list-style-type: none"> <li>No guarantee to reach drinkable water supply on existing property.</li> <li>Cost is a minimum of \$40,000 assuming success on the first drilling.</li> <li>Long term well capacity and quality is uncertain and unpredictable.</li> <li>No guaranteed water reserve for rural fire safety.</li> </ul>	<ul style="list-style-type: none"> <li>Guardino Well drilling service estimates deep well of 400-500 ft is likely with cost of \$25000.</li> <li>Bruce Barton Pump service \$6000.</li> <li>May require additional drilling of ~\$9000 per drilling to reach water.</li> <li>May require expensive water purification system. Culligan estimates \$8000 based on existing well water quality.</li> </ul>
3	Refurbish existing well	N/A			<ul style="list-style-type: none"> <li>Not recommended based on Guardino Well drilling service and Maggiora Brothers Drilling, Inc recommendations.</li> <li>Existing well capacity is low at 10-12 gal/hour.</li> <li>Expensive Water Treatment required for drinking.</li> </ul>

## County of Santa Clara

Environmental Resources Agency

Building Inspection/Land Development Engineering and Surveying

County Government Center, East Wing

70 West Hedding Street, 7th Floor

San Jose, California 95110

Bldg. Inspect. (408) 299-2351 Land Devel. 299-2871 FAX 279-8537



ATTACHMENT 4

March 24, 1998

Curt Haynes  
Century 21/Contempo Realty  
761 E. El Camino Real  
Sunnyvale, CA 94087

**Subject: Building Permit Record Search (98069)**

Site Address: 2404 Uridas Ranch Road, Milpitas

Assessor Parcel No.: 092-42-001

Present Owner: Jung-Ho Pak, Trustee

Present Jurisdiction: \* County

<u>Bldg. Permit #</u>	<u>Date Issued</u>	<u>Description</u>	<u>Status</u>
91915 & 10183	09/28/89	Permanent Mobile Home	Completed

**Comments:** No other building permits were found for this property.

Very truly yours,

THOMAS SHIH,  
Building Official

Attachment

\* Please see other side

- COMPLETED: The project has received a final inspection by this office.
- INCOMPLETE: The project has not received a final inspection by this office. If the last inspection was made more than six months ago, the building permit will have to be renewed by the owner or his agent.
- JURISDICTION: If the parcel was annexed to a city, information regarding construction will have to be obtained from the noted city.
- NO PERMIT: A building permit has not been issued by this office for work at this address. In order to legalize construction, the owner or his agent has to apply for a permit for the work. For more information, please ask for a building permit informational handout.
- PRIOR TO 1947: Buildings constructed prior to 1947 were not required to have a permit.



Permit# **10183**

Requested For 06/17/91

Page 1

Zone 5

Location 2404 Uridas Ranch Milpitas

Issued 01/24/91

Cross Street Piedmont

Owner/Contractor Pak, Yung-Hi /

Owner Phone#

Job Description Mobile Home - Renew Bp91915

Mechanical	0.00	Plumbing	0.00	Electrical	35.00
<input type="checkbox"/> Land Development	<input type="checkbox"/> Roads & Airports	<input type="checkbox"/> Health	<input type="checkbox"/> Fire	<input type="checkbox"/> Planning	

MEO7		06/18/91	CRS Approved
FI07	PG&E-NEW ELECTRIC METER SET FINALED THE ELECTRIC EL08	06/18/91	CRS Approved
FI06	PG&E-TEMP. GAS METER SET FINALED THE PLUMBING PL09	06/18/91	CRS Approved
FI01	PROJECT COMPLETED	06/18/91	CRS Approved
EL02	SERVICE CHANGE CORR FOR BONDING	06/14/91	MLH Disapproved
ST11	ROUGH FRAME/HOLD DOWN	06/13/91	MLH Approved
EL08	ELECTRIC FINAL/FIXTURE	06/13/91	MLH Approved
FI07	PG&E-NEW ELECTRIC METER SET	06/13/91	MLH Disapproved
EL09	OTHERS BONDING OF THE TWO HALVES OF THE STRUCTURE TOGETHER.	06/12/91	WFC Approved
ST16	OTHERS PER CL 6 3 91 BY MH.	06/12/91	WFC Approved
ST11	ROUGH FRAME/HOLD DOWN PER CL 6 3 91 BY MH.	06/12/91	WFC Approved
EL08	ELECTRIC FINAL/FIXTURE CORR	06/11/91	WFC
PL09	PLUMBING FINAL/APPL CORR	06/11/91	WFC
FI01	PROJECT COMPLETED CORR	06/11/91	WFC
PL06	GAS TEST/GAS PRESSURE UNDERGROUND AND HOUSE FOR LOW PRESSURE	06/03/91	MLH Approved
FI01	PROJECT COMPLETED CORR	05/31/91	MLH Disapproved
FI01	PROJECT COMPLETED CON:T OF INSP NOT COMPLETED 5/24 CORR	05/28/91	MLH Disapproved
FI01	PROJECT COMPLETED CORR	05/24/91	MLH Disapproved
EL08	ELECTRIC FINAL/FIXTURE CORR SERVICE + SUBPANEL INSPECTED ONLY	05/22/91	MLH Disapproved
EL02	SERVICE CHANGE CORR	05/02/91	MLH Disapproved
ST16	OTHERS	04/11/91	MLH Approved

MAR 24 1998 15:04:08

MINIMUM 24 HOURS NOTICE

BUILDING INSPECTION OFFICE

70 W HEDDING ST., SAN JOSE, CA 95110 TEL. 299-2351  
LAND DEVELOPMENT ENGINEERING & SURVEYING

CLEARED FOR ISSUANCE BY John DATE 1-23-91

COUNTY GEOLOGIST  
CLEARED FOR ISSUANCE BY J. O. Borkland DATE 7/10/89

☐ COMPLETE PRIOR TO OCCUPANCY, FOR INSPECTION CALL 299-2871  
☐ ONLY APPLICABLE TO PERMITS  
☐ FINAL  
TRANSPORTATION AGENCY California DATE 1/22/91

☐ COMPLETE PRIOR TO OCCUPANCY, FOR INSPECTION CALL 299-2591  
☐ RO. APP. CLEARED BY DATE  
☐ DWY. APPR. CLEARED BY DATE

WATER SYS PERMIT NO. 299-6930 FOR INSPECTION CALL 299-6930  
CLEARED OR ISSUED BY John DATE 1-23-91

SANIT DIST NO. 50316 DATE 1-23-91

CLEARED FOR OCCUPANCY BY John DATE 1-23-91

ENVIRONMENTAL HEALTH  
FOR INSPECTION CALL 299-6930

FIRE MARSHAL  
FOR INSPECTION CALL 299-3805

CLEARED FOR ISSUANCE BY John DATE 1-23-91

CLEARED FOR OCCUPANCY BY John DATE 1-23-91

PLANNING  
DEV REQ COMP A1-2.58

SIT SACKS FRONT SIDE REAR ZONE  
FEET 30' 30' 30' 30' 30'

VARIANCE OR SPEC REQ

ARCH SITE APPROVAL BY

FOR INSPECTION CALL 299-2454

CLEARED FOR ISSUANCE BY John DATE 1-23-91

CLEARED FOR OCCUPANCY BY

VALUATION  
TOTAL FEES

FIRE MARSHAL -0-

PLAN CHECK 507.00

PERMIT 507.00

JOB ADDRESS: 2404 Uridias Ranch

SHEET NUMBER Piedmont

EAST CROSS STREET Milpitas ZIP Ca.

WEST CROSS STREET Yung Hi Pak ZIP 3958310

ADDRESS P.O. Box 3448

CITY Saratoga, Ca. ZIP 95070

OWNER owner

CONTRACTOR Same

TYPE OF IMPROVEMENT 92-42-001

PLAN CHECK NO. 6919

USE OF STRUCTURE Mobil Home

CHARGE OF R.P.H. 9/9/54 General

PERMIT NO. 3504-42-82-88B

WATER PERMIT FEE

SEPTIC TANK FEE

CPO ISSUANCE FEE

COMPLETE BACK OF FIRST PAGE

NOTE: For revisions or adjustments in fees and must be made to the building official in writing. Information with applicable sections of the Santa Clara County Ordinance.

RM 31 12/80

[illegible]

Champion Homebuilders  
model SC672-C

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MILPITAS FINDING AN URGENT PUBLIC HEALTH AND SAFETY CONCERN EXISTS AT 2404 URIDIAS RANCH ROAD AND REQUESTING APPROVAL OF A WATER SERVICE AGREEMENT WITH PHIL AND RUTH (HAYNES) DAHM BY THE SANTA CLARA COUNTY LOCAL AGENCY FORMATION COMMISSION**

**WHEREAS**, a private well provides drinking water to 2404 Uridias Ranch Road, which is located outside the City of Milpitas and outside the City-established Urban Growth Boundary; and

**WHEREAS**, 2404 Uridias Ranch Road is experiencing insufficient water supply due to diminished well capacities that has critically impaired the system's ability to provide the residents' drinking, sanitary, and fire safety needs; and

**WHEREAS**, 2404 Uridias Ranch Road is experiencing well water of poor quality that does not meet health and safety standards and is insufficient for human consumption; and

**WHEREAS**, Phil and Ruth (Haynes) Dahm have submitted a statement from an independent licensed professional engineer that an insufficient and unreliable water supply exists and connection to City water is the only economically justifiable solution; and

**WHEREAS**, the City of Milpitas operates a water distribution system and can provide water to 2404 Uridias Ranch Road; and

**WHEREAS**, the voters of the City of Milpitas, by approving Ordinance No. 38-742 enacted an Urban Growth Boundary in 1998, which generally restricts the provision of City services outside of the Urban Growth Boundary; and

**WHEREAS**, Phil and Ruth (Haynes) Dahm have requested connection to the City's water system for which the City needs approval from the Santa Clara County Local Agency Formation Commission (LAFCO) as 2404 Uridias Ranch Road is located in the county.

**WHEREAS**, Resolution No. 6796 allows the City Council to approve water supply to areas outside the Urban Growth Boundary of the City when the following four criteria are met:

- An urgent health or safety concern exists.
- An independent licensed professional engineer has concluded that connection to the City's water supply is the only economically justifiable solution.
- The legal parcel had a vested right to develop prior to November 3, 1998.
- The Applicant has agreed to pay for water supply extension costs.

**WHEREAS**, the four criteria have been satisfied as follows:

- The Santa Clara County Department of Environmental Health has determined that inadequate water supply exists. The well produces an insufficient supply of only 12 gallons per hour, far below the Santa Clara County requirement of 2-1/2 gallons per minute (150 gallons per hour) for all new well construction. Also, based on the well's water quality sampling report, the water indicates a high level of salt and total dissolved solids (TDS) along with the presence of total coliform, thus it is considered nonpotable and a public health concern.

- An independent licensed professional engineer has concluded that connection to the City's water supply is the only economically justifiable solution.
- Santa Clara County issued building permits #91915 and 10183 prior to November 3, 1998.
- Phil and Ruth (Haynes) Dahm have agreed to pay for all costs associated with the water system connection.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILPITAS THAT:**

1. The City Council hereby finds that:
  - (a) The lack of a potable water supply source constitutes an immediate health and safety concern.
  - (b) The property to which service is being requested is currently developed.
  - (c) An agreement with Phil and Ruth (Haynes) Dahm, as shown in Attachment A, can be adopted.
2. Staff is hereby authorized to submit the following documents to LAFCO:
  - (a) Council Resolution requesting LAFCO administrative approval.
  - (b) Letter from Santa Clara County Department of Environmental Health stating that a health and safety concern exists.
  - (c) The terms of the agreement with Phil and Ruth (Haynes) Dahm.
3. The City Council hereby requests that LAFCO Executive Officer and ChairPerson grant administrative approval in support of this request.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

Control No. \_\_\_\_\_

Recording requested by:

**City of Milpitas**

When recorded mail to:

**City of Milpitas**

**City Engineer's Office**

**455 E. Calaveras Blvd.**

**Milpitas, CA 95035**

**AGREEMENT FOR THE PROVISION OF CITY POTABLE WATER SERVICE  
(INCLUDING PROPERTY LOCATED OUTSIDE THE CITY LIMITS)**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the City of Milpitas, a municipal corporation, hereinafter referred to as "CITY," and Phil and Ruth (Haynes) Dahm, located at 2404 Uridias Ranch Road, hereinafter referred to as "PHIL DAHM."

**WHEREAS**, an existing private well provides water supply to PHIL DAHM; and

**WHEREAS**, PHIL DAHM is located outside the Milpitas city limits, and therefore requires Local Agency Formation Commission ("LAFCO") approval in order for the City to provide service outside of its boundaries; and

**WHEREAS**, the Santa Clara County Department of Environmental Health has declared that the well produces insufficient water supply for a home and considers the well water quality nonpotable and a public health concern; and

**WHEREAS**, PHIL DAHM desires a permanent connection to the CITY'S municipal water supply; and

**WHEREAS**, CITY finds that adequate utility capacity exists to provide such service within its San Francisco Public Utility Commission water supply service area; and

**WHEREAS**, PHIL DAHM is willing to design and construct a permanent water connection to the CITY'S municipal water supply in accordance with CITY standards at its own cost and to purchase water from the City.

**NOW, THEREFORE**, in consideration of the promises herein and for further good and valuable consideration hereinafter set forth, **IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:**

**SECTION 1.** Subject Property. The properties to be served by water supplied to PHIL DAHM by the City shall be solely that property located at 2404 Uridias Ranch Road (APN 092-42-001).

**SECTION 2.** Conditions for Receipt of Water Service. PHIL DAHM shall comply with all laws, codes, ordinances and policies relating to potable water service within the City of Milpitas ("the Rules"). Upon request by CITY, PHIL DAHM agrees to disconnect water service due to failure to comply with the Rules.

**SECTION 3.** Construction of Necessary Facilities. PHIL DAHM shall prepare plans and specifications, subject to approval by the City, for installation of a connection to the City's existing potable water system that terminates at the City's water main on Uridias Ranch Road through which water will be provided to 2404 Uridias Ranch Road. PHIL DAHM shall install a potable water lateral within Uridias Ranch Road, connecting into the existing City's water main, and a water meter, all subject to approval by the City and in accordance with the then-existing CITY standards.

**SECTION 4.** Costs. PHIL DAHM shall pay the following costs as set forth below:

A. PHIL DAHM shall pay all costs to the City associated with the Water System Connection. These costs shall include the City's costs incurred in project coordination, plan check, inspection, and acceptance associated with the Water System Connection. The amount of such costs shall be based upon standard City of Milpitas labor and material rates paid to the City pursuant to City Private job (PJ) cost reimbursement process. PHIL DAHM provided a deposit in

the amount of \$2,000 on September 8, 2006. If said costs exceed the amount of the deposit, as determined by the City, PHIL DAHM agrees to immediately replenish the deposit in the amount requested by the City Engineer. If the costs do not exceed the amount of the deposit, the City shall refund the remaining deposit amount to the PHIL DAHM.

B. PHIL DAHM shall pay the City's costs for processing the Out of Agency Request to Santa Clara County Local Agency Formation Commission ("LAFCO") approval. PHIL DAHM shall in addition pay all LAFCO application and processing fees. These costs may be deducted from the PJ account balance.

C. Upon completion of the Water System Connection and prior to the commencement of water service, PHIL DAHM shall make a lump-sum payment equal to the City's then-current water connection fee. PHIL DAHM acknowledges that the City may withhold issuance of building permits if such connection fees are not paid.

D. PHIL DAHM shall pay water meter and water quantity charges to the City on the City's standard billing cycle based on the water supplied to the water meter and as required by the City's then-current water rates, whether adopted by ordinance, resolution, or otherwise.

Unless otherwise set forth herein, all fees and charges described above will be due and payable at the time said fees are usually and customarily collected by CITY under its rules and regulations respecting such fees and charges.

SECTION 5. PHIL DAHM shall be responsible for all acquisition of any necessary right-of-way for the Water System Connection, prepare necessary environmental documents, and construct the Water System Connection in accordance with all laws, codes, ordinances and policies of CITY in effect at the time of construction.

SECTION 6. PHIL DAHM shall dedicate all newly constructed public potable water supply facilities (to the new water meter) to CITY, in consideration of permission to connect to City's systems.

SECTION 7. It is understood and agreed that CITY will own and maintain all public potable water facilities (from the existing water main in Uridias Ranch Road to the new water meter) installed by PHIL DAHM that have been inspected and approved by CITY after the system is dedicated to the CITY.

SECTION 8. Further, CITY shall not be liable in any way for damages to PHIL DAHM or PHIL DAHM's property resulting from acts of God or any other act or acts beyond the control of CITY which may in any way cause interruption or discontinuance of the potable water service provided hereunder.

SECTION 9. PHIL DAHM expressly agrees that all maintenance of the potable water distribution system after the water meter shall be the responsibility of PHIL DAHM. PHIL DAHM shall keep the potable water distribution system under its ownership in good condition and shall promptly repair the same following damage or disrepair in accordance with applicable laws, codes, ordinances, and policies.

SECTION 10. Upon PHIL DAHM's breach of or failure to timely perform any of the terms of this Agreement, this Agreement may be terminated at CITY's sole option, and CITY may discontinue service.

SECTION 11. PHIL DAHM further agrees that its on-site water system shall only serve 2404 Uridias Ranch Road (APN 092-42-001) and does not extend outside of said property.

SECTION 12. This Agreement shall be binding upon the successors, heirs, or assigns of PHIL DAHM.

SECTION 13. The parties agree that this Agreement for Potable Water Services shall be recorded in the office of the County Recorder of Santa Clara County, California, at PHIL DAHM's cost and expense.

SECTION 14. This Agreement shall become null and void and without any further force or effect if the connection of services described hereunder are not approved by LAFCO on or before December 31, 2007, unless extended by written mutual agreement.



IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective the day and year first above written.

Dated: \_\_\_\_\_, 20\_\_

PHIL DAHM:

\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

CITY:

CITY OF MILPITAS, a municipal corporation

By:\_\_\_\_\_

Jose S. Esteves, Mayor

ATTEST:

\_\_\_\_\_

Mary Lavelle, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney